

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In the Matter of R.K., by and through her mother and next friend, J.K;

and W.S., by and through her mother and next friend, M.S.,

on behalf of those similarly situated,

Plaintiffs,

v.

Case No. 3:21-cv-00725
JUDGE CRENSHAW

GOVERNOR BILL LEE, in his official capacity as GOVERNOR OF TENNESSEE, WILLIAMSON COUNTY BOARD OF EDUCATION, and FRANKLIN SPECIAL SCHOOL DISTRICT,

Defendants.

PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS

COME THE PLAINTIFFS, R.K., et al. (hereinafter "Plaintiffs"), and hereby move this Court pursuant to 42 U.S.C. § 12205 and 42 U.S.C. § 1988 for an award of attorneys' fees and costs in this action. They show:

1. On September 24, 2021, the Court issued a temporary injunction. (D.E. 30). On October 5 and October 13, 2021, the Court held evidentiary hearings with testimony from medical experts and from the Tennessee Department of Education.

2. On October 22, 2021, the Court found that all factors weighed in favor of granting a preliminary injunction and enjoined Governor Lee from enforcing Executive Order 84 and a subsequently extended Executive Order. (D.E. 85).

3. On October 25, 2021, Governor Lee appealed to the Sixth Circuit Court of Appeals. (D.E. 87) On December 10, 2021, the Sixth Circuit Court of Appeals entered a dismissal of all of the Governor's appeals which was unopposed by the Plaintiffs. (D.E. 94).

4. This matter is now ripe for addressing attorneys' fees and costs as the prevailing party.

5. Plaintiffs hereby move for reasonable attorneys' fees and costs based upon contemporaneously filed Memorandum and Supporting Affidavits.

6. For all these reasons in the Motion and accompanying Memorandum, Plaintiffs request their motion for attorneys' fees and expenses be granted.

Respectfully Submitted,

GILBERT LAW, PLC

/s Justin S. Gilbert

Justin S. Gilbert (TN Bar No. 017079)
100 W. Martin Luther King Blvd, Suite 501
Chattanooga, TN 37402
Telephone: 423.756.8203
Facsimile: 423.756.2233
justin@schoolandworklaw.com

THE SALONUS FIRM, PLC

/s Jessica F. Salonus

JESSICA F. SALONUS (28158)
139 Stonebridge Boulevard
Jackson, Tennessee 38305
Telephone: (731) 300-0970
Facsimile: 731.256.5711
jsalonus@salonusfirm.com

DONATI LAW, PLLC

/s/Bryce W. Ashby

Bryce W. Ashby—TN Bar #26179
Brice M. Timmons—TN Bar #29582
Craig A. Edgington—TN Bar #38205
1545 Union Avenue
Memphis, TN 38104
Phone: 901.278.1004
Fax: 901.278.311
bryce@donatilaw.com
brice@donatilaw.com
craig@donatilaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that this Motion for Attorneys Fees and Costs was served upon counsel of record at the contact information below for the Defendants, through the Court's ECF filing system on December 23, 2021.

**GOVERNOR BILL LEE
COMMISSIONER PENNY SCHWINN**

James R. Newsom (#6683)
Assistant Attorney General
P.O. Box 20207
Nashville, TN 37202
Telephone: 615-741-2472
Jim.newsom@ag.tn.gov

*ATTORNEY FOR GOVERNOR BILL LEE AND PENNY SCHWINN,
IN THEIR OFFICIAL CAPACITY*

/s/ Jessica F. Salonus

CERTIFICATE OF CONSULTATION

I certify that Plaintiffs' counsel, Bryce Ashby, conferred with Jim Newsom regarding this motion and that Mr. Newsom's client respectfully declined to agree on this date, December 23, 2021.

/s/ Jessica F. Salonus